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January 25, 2016

VIA ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication – *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268

Dear Ms. Dortch:

On behalf of The Videohouse, Inc. (“Videohouse”); Fifth Street Enterprises, LLC (“Fifth Street”); WMTM, LLC (“WMTM”); and KMYA, LLC (“KMYA”), we write in further support of the September 2, 2015 Petition for Reconsideration (the “Petition”) filed by The Videohouse, Inc., Abacus Television, WMTM, LLC, and KMYA, LLC (“Petitioners”), which seeks reconsideration of the Commission’s decision in the Second Order on Reconsideration, *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, FCC 14-50 (rel. June 19, 2015) (“*Second Order on Reconsideration*”) to deny them the opportunity to participate in the reverse auction and discretionary protection in the repacking process.

The Commission has based auction eligibility and discretionary protection on whether a station had filed Form 302-CA as of February 22 2012.¹ This is arbitrary and without justification for reasons explained previously. *See, e.g.*, Reply Comments of Bruno Goodworth Network Inc., No. 12-268, at 2-3 (March 11, 2013); Petition for Reconsideration of The Videohouse, Inc., No. 12-268, at 3, 7 (Sept. 15, 2014) (“Videohouse 2014 Petition”).

It also is manifestly unfair. The Commission created the circumstances that resulted in the present situation in which Petitioners currently are barred from participating in the reverse auction. Prior to 2011, LPTV stations that wished to construct digital facilities for their newly acquired in-core channels and convert to Class A status could file for a LPTV digital construction permit and then file Form 302-CA to

¹ See *Second Order on Reconsideration* at ¶¶ 53, 62.

convert that LPTV station to a Class A station immediately after obtaining the LPTV construction permit. But some time in 2011, the Video Division began instructing LPTV stations that the only way to accomplish such a conversion was to obtain a digital construction permit for a LPTV station, build out the station under that LPTV construction permit, and obtain a license to cover that LPTV station, all before filing Form 302-CA to convert the LPTV station to a Class A station. *See Report and Order, In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 29 FCC Rcd. 6567, 6671, ¶ 235 n.730 (2014) (“2014 Report & Order”); *Petition for Reconsideration of Abacus Television*, No. 12-268, at 5 (Sept. 15, 2014) (“2014 Abacus Petition”); *Videohouse 2014 Petition* at 6-7. The Commission—not Petitioners—thus caused substantial delay in the filing of Form 302-CA—delay that the Commission would ultimately use against Petitioners when the Commission decided in June 2014 to tie auction eligibility to their status some twenty-six months earlier. Had Petitioners known ahead of time that they needed to file Form 302-CA by a certain date in order to secure auction eligibility and protection in the repacking process, they surely would have done so.

Moreover, the Commission has disregarded this benchmark itself by affording discretionary protection to KHTV and Latina Broadcasters—neither of which filed Form 302-CA seeking a license to cover its new in-core station until after February 22, 2012. *See 2014 Report & Order*, at ¶ 235 (noting that KHTV filed Form 302-CA for its current in-core channel on February 24, 2012); *Application For Class A Television Broadcast Station Construction Permit Or License*, available at http://licensing.fcc.gov/cgibin/ws.exe/prod/cdb/pubacc/prod/app_list.pl?Facility_id=41375 (Latina Broadcasters filed Form 302-CA for its newly acquired in-core channel 14 on November 15, 2012).² In other words, the Commission’s own conduct confirms that whether a station filed Form 302-CA on or before February 22, 2012 is an illegitimate basis for determining auction eligibility. On top of that, requiring these additional certifications of Class A eligibility is improper as it places additional conditions upon Class A eligibility that Congress never intended.

To the extent that the Commission is hinging auction eligibility and discretionary protection on the making of various certifications contained in Form 302-CA on or

² That KHTV and Latina Broadcasters several years earlier filed Form 302-CA with respect to entirely different in-core stations is not a legitimate basis for distinction. KHTV filed Form 302-CA twice years ago with respect to two separate applications for Class A facilities, both of which were ultimately dismissed by the Commission. *Second Order on Reconsideration* at ¶ 60; *2014 Report & Order*, ¶ 235 n.728. WDYB-CD in Daytona Beach, Florida (currently licensed to Latina Broadcasters) had obtained in-core Class A permits several years ago, but those Class A permits were obtained by different licensees (Tiger Eye Finance/Tiger Eye Broadcasting) and related to a different in-core channel (channel 28) that was relinquished long ago.

before February 22, 2012, *see Second Order on Reconsideration* at ¶ 62, this is arbitrary and capricious and contrary to law for the same reasons. The illegitimacy of using the filing of Form 302-CA as a benchmark for determining auction eligibility makes using the certifications contained therein an equally illegitimate benchmark. Moreover, the particular set of certifications contained within Form 302-CA are not required by any other FCC application. Because they are tied to Form 302-CA, then, they do not have any independent significance apart from Form 302-CA and are not an appropriate basis for distinction among formerly out-of-core LPTV stations that have since moved in core and secured Class A status.

In any event, to the extent the Commission's reliance on these certifications is meant to reward the diligence of Class A-eligible, out-of-core LPTV stations for their attempts to convert to Class A status and their assurances that they would operate as Class A stations, Petitioners are equally entitled to that reward (particularly as compared with Latina Broadcasters and KHTV). As explained previously, Petitioners all made diligent efforts—and, as the Commission has acknowledged, significant investments³—to move to in-core channels and convert to Class A status promptly.⁴ Petitioners all successfully transitioned to Class A status and are providing quality programming to their communities of license—programming that includes children's programming,⁵ minority programming,⁶ programming of interest to the

³ *See Second Order on Reconsideration* at ¶ 51 n.177.

⁴ *See, e.g.,* Petition at Exhibit 1; 2014 Videohouse Petition at 4-7; 2014 Abacus Petition at 4-6; Opposition of Asiavision, No. 12-268, at 3-7 (Nov. 9, 2014). KKYK actually obtained a Class A construction permit prior to February 22, 2012. *See* Attachment A (Digital Class A Broadcast Station Construction Permit (issued Feb. 16, 2012)).

⁵ For example, WPTG offers popular syndicated children's programming such as Jack Hannah's Animal Adventures, as well as Animal Atlas, and Animal Explorer. WOSC airs Dragonfly TV, which highlights children "doing" projects with real hands-on experience and demonstrates practical applications of mathematics and science; Think Big, which features top youth inventors who face off against each other in an Invent-Off to see who can come up with the most innovative and creative invention; and Biz Kid\$, which focuses on financial literacy and entrepreneurship for teens. WIAV airs Multiplication Hip Hop, a popular program that teaches children math facts through music. And KKYK airs The Outdoorsman, a program that teaches children about wildlife and respect for nature.

⁶ WPTG is an affiliate of Bounce TV, "the first African American broadcast network, featuring a programming mix of theatrical motion pictures, sporting events, documentaries, specials, inspirational faith-based programs, off-network series, original programming and more." *See* Bounce TV, *available at* <http://www.bouncetv.com/about/>. KKYK is an affiliate of the Soul of the South, "a new national television network dedicated to becoming the #1 source for news,

elderly and disabled, locally produced, locally originated programming, and EAS messages. That the DTV transition impeded their ability to locate available in-core channels cannot properly be held against them.

Moreover, there can be no question that Petitioners are and have been complying with all applicable Class A requirements. When the Commission granted their applications for Class A licenses, those license grants were official recognition that Petitioners are and have been in compliance with all relevant Class A requirements, consistent with the certifications each Petitioner made in connection with filing Form 302-CA.⁷

On top of that, Petitioners all certified their compliance with Class A requirements long before that time. Shortly after the Community Broadcasters Protection Act outlined the requirements for Class A eligibility in 1999, Petitioners each certified their compliance therewith. Indeed, the Commission acknowledged each of the four Petitioners having certified that, “during the 90-day period ending November 28, 1999,” it had: “(1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station or by a group of commonly-controlled low power television stations; and (3) been in compliance with the Commission’s regulations applicable to the low power television service.”⁸ By making those certifications, Petitioners additionally certified compliance with the same public notice rule applicable to Class A stations (47 C.F.R. § 73.3580), as well as the applicable requirements regarding the maintenance of accessible station files and records (47 C.F.R. §§ 74.765, 74.781).

information, entertainment and culture from a Black American perspective.” *Soul of the South*, available at <http://www.ssn.tv/who-we-are/>.

⁷ See Application For Class A Television Broadcast Station Construction Permit Or License (WOSC) (granted April 25, 2014), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app_list.pl; Application For Class A Television Broadcast Station Construction Permit Or License (WPTG) (granted April 25, 2014), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app_list.pl; Application For Class A Television Broadcast Station Construction Permit Or License (WIAV) (granted Mar. 9, 2015), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app_list.pl; Application For Class A Television Broadcast Station Construction Permit Or License (KKYK, call sign formerly KLRA) (granted Oct. 23, 2012), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app_list.pl.

⁸ Public Notice, *Certificates of Eligibility for Class A Television Station Status*, DA 00-1224 (June 2, 2000), at App. 12, 20, 21, 23.

Petitioners further demonstrated their compliance with Class A obligations in numerous other ways: through quarterly certifications of continuing Class A eligibility;⁹ quarterly Children's TV Programming Reports;¹⁰ cooperation with FCC inspections of public files and main studios;¹¹ and submissions relating to networked Class A and LPTV stations.¹²

While acknowledging the efforts and investments Petitioners have expended in converting to Class A status, the Commission denied auction eligibility and protection to Petitioners based on the unsubstantiated assertion that doing so would require it to provide the same relief to some 100 other stations. Petitioners since have debunked that mistaken assertion.¹³ Indeed, as Petitioners have recently demonstrated, of the 421 Class A stations in existence, only four—Petitioners and no other station—are presently barred from participating in the auction and denied

⁹ See, e.g., WOSC Station Profile *available at* https://stations.fcc.gov/station-profile/wosc-cd/more-public-files/browse-%3Eclass_a_tv_continuing_eligibility (displaying WOSC's quarterly certifications of continuing Class A eligibility back to 2000).

¹⁰ See, e.g., WOSC Station Profile, *available at* <https://stations.fcc.gov/station-profile/wosc-cd/programs-list/> (displaying WOSC's Children's TV Programming Reports dating back to 2012).

¹¹ See Affidavit of Debra Goodworth (Attachment B); Affidavit of Ronald J. Bruno (Attachment C).

¹² Certifications made by stations networked with WPTG equate to *de facto* certifications by WPTG with respect to all Class A requirements. WPTG was the originating station in an LPTV network composed of a mix of in-core and out-of-core LPTV stations. All stations in that network showed exactly the same children's programming, had the same studio, had the same EAS alerts and showed the same locally produced, locally originated programming because they all repeated WPTG's programming. See Affidavit of Benjamin Perez (Attachment D). Several of the stations in this network filed Form 302-CA to convert to Class A status before February 22, 2012 (e.g., WBOA, see Application For Class A Television Broadcast Station Construction Permit Or License (WBOA) (filed Nov. 7, 2011), *available at* http://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdbs/pubacc/prod/app_list.pl), and each based their Form 302-CA certifications on the same studio, programming, EAS, and continuing eligibility certifications as WPTG. See Petition for Eligible Entity Status (Abacus) at 5-6, attached to Petition at Exhibit 1.

¹³ Petition at 7-10; Notice of Ex Parte Communications by Videohouse, et al. at Exhibits 1 & 2, No. 12-268 (Nov. 20, 2015).

protection in the repacking process.¹⁴ The Commission has conceded that it has no response on this point by refusing to stand by its unsubstantiated “estimate” that affording protection to Petitioners would require it to do the same for another 100 similarly situated stations, explaining that this assertion “does not bear on the decisional issue” of denying protection to Petitioners.¹⁵

It is worth emphasizing that because Petitioners are the only Class A stations not presently eligible to participate in the auction, affording them relief will not cause any meaningful delay or disruption to the auction process. Denying Petitioners relief, however, would be legally indefensible and would undoubtedly result in litigation that could be disruptive to the auction. Moreover, denying Petitioners relief would leave Petitioners without protection in the repacking process, which would thwart the purposes of the CBPA by leaving Petitioners’ communities of license without access to Petitioners’ quality programming.¹⁶

As they have in the past, Videohouse, Fifth Street, WMTM, and KMYA urge the FCC to act promptly and grant Petitioners relief.¹⁷

For the foregoing reasons, as well as those Petitioners set out previously, the Commission should grant the Petition, permit Petitioners to participate in the reverse auction, and afford them discretionary protection in the repacking process.

¹⁴ See Letter from Thomas R. McCarthy, Counsel for Petitioners, to Marlene Dortch, FCC, No. 12-268 (Jan. 23, 2016). Naturally, then, Petitioners are the only Class A stations that filed Petitions for Eligible Entity Status. Petition at Exhibit 1.

¹⁵ See Letter from Thomas R. McCarthy, Counsel for Petitioners, to Marlene Dortch, FCC, at 2 (Dec. 23, 2015), *available at* <http://apps.fcc.gov/ecfs/comment/view?id=60001362297> (quoting Order Denying Stay Motion, *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, at ¶¶ 12, 13 (Dec. 18, 2015)).

¹⁶ As the Commission has recognized repeatedly, the purpose of the CBPA is to afford LPTV stations the “opportunity to convert to Class A stations,” *Class A R&O*, 15 FCC Rcd at 6361, para. 11, in order “to ‘ensure that many communities across the nation *will continue to have* access to free, over-the-air low-power television (LPTV) stations.’” *In re Establishment of a Class A Television Service*, 15 FCC Rcd 6355, ¶ 29 n.56 (Apr. 4, 2000) (quoting Section-by-Section Analysis to S. 1948, the Act known as the “Intellectual Property and Communications Omnibus Reform Act of 1999,” as printed in the Congressional Record of November 17, 1999, at S 14,724).

¹⁷ See Letter from Ronald J. Bruno, Benjamin Perez, Lawrence Rogow, and Larry E. Morton to Marlene Dortch, FCC (Nov. 20, 2015), at 2-3, *available at* <http://apps.fcc.gov/ecfs/comment/view?id=60001362297>.

Respectfully submitted,

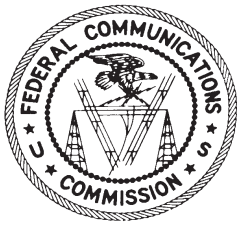
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*Counsel for The Videohouse, Inc.,
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WMTM, LLC, and KMYA, LLC*

January 25, 2016

cc: Jonathan Sallet
Jacob Lewis
James Carr
William Lake
Matthew Berry
Jessica Almond
Robin Colwell
Jennifer Thompson

ATTACHMENT A



United States of America
FEDERAL COMMUNICATIONS COMMISSION
DIGITAL CLASS A
BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

KALEIDOSCOPE FOUNDATION, INC.
39 RIVER ESTATES COVE
LITTLE ROCK AR 72223

Hossein Hashemzadeh
Deputy Chief
Video Division
Media Bureau

Facility Id: 57548

Grant Date: February 16, 2012

This permit expires 3:00 a.m.
local time, September 01, 2015.

Analog TSID: 8212

Digital TSID: 8213

Call Sign: KLRA-LD

Permit File Number: BMPDTL-20120206AAJ

This permit modifies permit no.: BDISDTL-20100524AHW

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: KALEIDOSCOPE FOUNDATION, INC.

Station Location: AR-LITTLE ROCK

Frequency (MHz): 482 - 488

Channel: 16

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 74.750 of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: SWR SWLP16OI

Major lobe directions 45 55 65
(degrees true):

Beam Tilt: 1 Degrees

Antenna Coordinates: North Latitude: 34 deg 47 min 56 sec
 West Longitude: 92 deg 29 min 44 sec

Maximum Effective Radiated Power (ERP): 0.8 kW

Transmitter Output Power: 0.075 kW

Height of radiation center above ground: 213 Meters

Height of radiation center above mean sea level: 533.9 Meters

Antenna structure registration number: 1012584

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Out-of-Channel Emission mask: Full Service

Special operating conditions or restrictions:

- 1 The grant of this application is conditioned upon the use of Full Service Mask Emission

- 2 This authorization is subject to the condition that low power television is a secondary service, and that low power television and television translator stations must not cause interference to the reception of existing or future full service television stations on either allotted NTSC or DTV channels, and must accept interference from such stations.

*** END OF AUTHORIZATION ***

ATTACHMENT B

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	

AFFIDAVIT OF DEBRA GOODWORTH

I, Debra Goodworth, swear under penalty of perjury that the following facts are true, correct, and complete, to the best of my knowledge and belief.

1. During normal business hours on December 6, 2007, while I was on duty at Abacus Television's main studio located at 975 Greentree Road, I was visited by FCC Inspector Dave Dombrowski, of the FCC Philadelphia, PA field office.

2. Mr. Dombrowski arrived at my office where I managed the employees and oversaw the operation of all eleven Pittsburgh, PA Class A and LPTV stations – including WPTG-CD. Mr. Dombrowski was shown the Master Control Room, where we inserted our ID's, our children's educational and informational programs, our locally produced programs, and our programs that addressed issues of public importance to the Pittsburgh, PA television market.

3. While at our facilities, Mr. Dombrowski asked to see our Public Files. I directed him to the bookcase holding the Public File binder for each station, including WPTG-CD. Mr. Dombrowski asked if our Public Files included information on our programming that addressed issues of importance to our communities of license.

4. Abacus Television's Pittsburgh Class A/LPTV Network was engineered to have one central "driver station," in this case WPTG-CD, a ring of stations surrounding the WPTG-CD with contiguous contours and four further out stations with contours contiguous to the inner ring of stations. As a result, each of the stations in the network could receive the WPTG-CD signal directly off air or by picking up the signal after it is relayed by one of the other stations. In other words, in addition to serving the audience in central Pittsburgh, WPTG-CD also acted as an "in-band Studio-transmitter-link" for the other stations in the network. Thus configured, the Class A rules allowed Abacus Television to operate just one main studio as the main studio for all of the Abacus Television stations.

5. Abacus Television delivered programming to this Class A/LPTV network by first delivering its 24 hours per day/7 days per week program feed to WPTG-CD by fiber, then having each of the outlying stations pick up the WPTG-CD signal off-air and inserting that video into the transmitter exciter of each of the outlying stations. Since this resulted in all eleven stations showing exactly the same programming to each station's respective part of the Greater Pittsburgh Television ADI, we maintained one separate binder documenting our Issues of Public Importance programs that applied to all eleven stations (rather than repeating the same exact list in the eleven separate Public Files). Mr. Dombrowski asked to see this Issues of Public Importance Programs binder, and I showed it to him. At this point Mr. Dombrowski told me that the Public Files, which included WPTG-CD, were in satisfactory condition.

6. Mr. Dombrowski next asked to see the transmitter building where Abacus Television operated its three downtown Pittsburgh channels: WPTG-CD, WBYD-CD, and

WIIC-LP. I accompanied Mr. Dombrowski to the room that Abacus Television rented from full power station WQED-TV. While at WQED, Mr. Dombrowski noted that a single EAS system was connected by a relay system to three TV transmitters (WPTG-CD, WIIC-LP, and WOSC-CD) licensed to two different licensees (Abacus Television and The Videohouse, Inc.). I was advised that this shared EAS configuration was problematic and that each of the two licensees were required to utilize their own EAS system. Mr. Dombrowski visited the Abacus Television studio twice more in subsequent months and confirmed that everything found deficient during his initial inspection had been corrected.

So sworn: Debra Goodworth
Debra Goodworth

Date sworn: Jan 25, 2016

ATTACHMENT C

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	

AFFIDAVIT OF RON BRUNO

I, Ron Bruno, swear under penalty of perjury that the following facts are true, correct, and complete, to the best of my knowledge and belief.

1. On or about December 6, 2007, I received a call from the Chief Engineer at WQED who informed me that FCC Inspector Dave Dombrowski of the FCC Philadelphia, PA field office was in the transmitter building at WQED tower site and would be contacting us to inspect our group of Class A and LPTV stations. The WQED tower site is where WOSC transmits from, along with many other Class A and LPTV stations.

2. Later that day, Mr. Dombrowski arrived at our main studio and offices. He announced that he was there to do an inspection of our station. I assisted Mr. Dombroski with questions he had concerning WOSC, and we gave him a tour of the studios, master control, equipment used to air children's programs, ID inserters, studio to transmitter link, and cameras. He asked if we had a public file and I said yes. He seemed to be very impressed with our physical plant operation and the level of recordkeeping that we maintained. He even commented that we had a nice operation compared to some of the other small stations he had visited. He acknowledged the large public files containing

children's reports, issues of public importance, and continuing Class A eligibility. However, he was very interested in looking only at the records that pertained to EAS and was very interested in our compliance with EAS. After initially determining that WOSC was following the EAS rules, he asked to see the Abacus facilities, and I proceeded to introduce him to Debra Goodworth who continued to help him.

3. Mr. Dombroski visited us multiple times during a 2 or 3 month period. During that time, WOSC was supplying Abacus Television stations with an EAS feed because all of the stations were collocated at the same tower site and the EAS information was identical. Mr. Dombrosky told us that Abacus Television stations needed to have their own EAS system because they were a different entity than WOSC. We immediately disconnected the feed, and Abacus Television installed its own System. Mr. Dombrosky's last visit was to insure that we were in compliance and following his orders. He seemed to leave satisfied that we complied with his order.

4. Today, we have multiple EAS Systems in the master control room of our studios so we can comply with this regulation.

n: 
Ron Bruno

Date sworn: 1-25-2016

ATTACHMENT D

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	

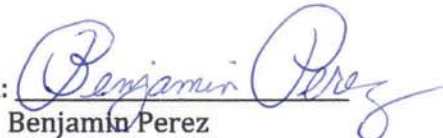
AFFIDAVIT OF BENJAMIN PEREZ

I, Benjamin Perez, swear under penalty of perjury that the following facts are true, correct, and complete, to the best of my knowledge and belief.

1. WPTG was the originating station in an LPTV network composed of a mix of in-core and out-of-core LPTV stations. All stations in that network showed exactly the same children's programming, had the same studio, had the same EAS alerts, and showed the same locally produced, locally originated programming because they all repeated WPTG's programming.

2. I began meeting all of Class A requirements as my stations were being constructed, even with respect to those stations that were still LPTV stations. I did so because all of my stations were found by the FCC to be "Class A Eligible" in June of 2000 (see Public Notice DA 00-1224, June 2, 2000), and it was my intention to convert each LPTV station to Class A as soon as I was able to.

So sworn:


Benjamin Perez

Date sworn:

January 25, 2016